

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA	)		
	)		
	V. )		CRIMINAL NO. 05-30046
	)		
EDUARDO PAGAN	)		

**DEFENDANT EDUARDO PAGAN'S RESPONSE TO GOVERNMENT'S  
INFORMATION**

Now comes Eduardo Pagan, by and through counsel, and moves this Honorable Court for an order striking the Government's Information and, as his basis therefore, alleges the following:

The defendant denies each and every allegation of fact contained in the Government's information and calls upon the Government pursuant to Title 21 U.S.C. sec. 851 (c)(1) to meet its burden of proof as to said facts.

Pursuant to Title 21 U.S.C. sec. 851 (c)(2) the defendant, Eduardo Pagan, alleges the conviction identified in the Government's information as the basis for an enhanced punishment was obtained in violation of the United States Constitution. As to such conviction the defendant asserts that his conviction was obtained in violation of his rights under the Fifth Amendment to the United States Constitution.

In support of his request for an evidentiary hearing upon the issues so raised, the defendant asserts the following:

Defense counsel has reviewed the four-page transcript of defendant's guilty plea in the State of Connecticut and suggests that the colloquy fails to address:

1. Whether the defendant's plea was given freely and voluntarily;
2. Whether the defendant's plea was given intelligently;
3. Whether defendant was advised of his right to be found guilty beyond a reasonable doubt; and
4. The court failed to advise defendant of his rights to appeal.

Defendant asserts that said failings in the plea colloquy, individually and collectively, deprived him of his rights under the Fifth Amendment of the United States Constitution.

Wherefore, the defendant moves the Government's Information be stricken.

Respectfully submitted,

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Dated: May 4, 2006